FREEDOM COURT R

	Page 1		Page 3
1	IN THE UNITED STATES DISTRICT COURT FOR	1	INDEX
2	THE NORTHERN DISTRICT OF ALABAMA	2	EXAMINATION BY: PAGE NUMBER:
3	MIDDLE DIVISION	3	Mr. Gill 6
4		4	
5	CASE NUMBER: CV2:06-CV-496-MEF	5	
6		6	
7	U.S. BEVERAGE, INC.,	7	
8	Plaintiff,	8	PLAINTIFF'S EXHIBITS:
9	vs.	9	1 - Mailer 54
10	IOIDIDIOTED WALKED II 1	10	2 - Juice label 56
111	JOHN BUSTER WALKER, II; et al.,	11	3 - Mailer 59
12	Defendants.	12	4 - Agreement 104
13	CTIBLL ATLON	13	
114	STIPULATION	14	
15	IT IS STIPULATED AND AGREED by and between the parties through their	15	
$\begin{vmatrix} 16 \\ 17 \end{vmatrix}$	respective counsel, that the deposition	16 17	
18	of RYAN HAMNER may be taken before		
1	Leslie K. Hartsfield, at the offices of	18 19	
20	Raymond L. Jackson, Jr., 600 N. College	20	
21	Street, Suite D, Auburn, Alabama, 36830,	21	
22	DEPOSITION OF RYAN HAMNER	22	
23	taken on the 16th day of November, 2006.	$\begin{bmatrix} 22 \\ 23 \end{bmatrix}$	
25		23	
	Page 2		Page 4
1	IT IS FURTHER STIPULATED AND	1	IN THE UNITED STATES DISTRICT COURT
2	AGREED that the signature to and the	2	FOR THE NORTHERN DISTRICT OF ALABAMA
3	reading of the deposition by the witness	3	MIDDLE DIVISION
4	is waived, the deposition to have the	4	
5	same force and effect as if full	5	CASE NUMBER: CV2:06-CV-496-MEF
6	compliance had been had with all laws	6	THE PROPERTY OF THE
7	and rules of Court relating to the	7	U.S. BEVERAGE, INC.,
8	taking of the deposition.	8	Plaintiff,
9	IT IS FURTHER STIPULATED AND	9	VS.
10	AGREED that it shall not be necessary	10	TOTAL DELICITED WHILE D. H 1
11	for any objections to be made by counsel	11	JOHN BUSTER WALKER, II; et al.,
12	to any questions except as to the form	12	Defendants.
13	or leading questions, and that counsel	13	DEFONE.
14	for the parties may make objections and	14	BEFORE:
15	assign grounds at the time of the trial,	15	LESLIE K. HARTSFIELD,
16	or at the time said deposition is	16	Commissioner.
17	offered in evidence, or prior thereto.	17	ADDE AD ANCES
18	IT IS FURTHER STIPULATED AND	18 19	APPEARANCES: RAYMOND L. JACKSON, JR., ATTORNEY
19	AGREED that the notice of filing of the		& COUNSELOR AT LAW, P.C., 660 N. College
20	deposition by the Commissioner is	20	
21	waived.	21	Street, Suite D, Auburn, Alabama, 36830,
22		22 23	appearing on behalf of the Defendants. COPELAND, FRANCO, SCREWS & GILL,
23		23	CUPELAND, PRAINCO, SCREWS & UILL,

1 (Pages 1 to 4)

Page 5		Page 7
	1.	
1 P.A., by Mr. Nelson Gill, 444 S. Perry 2 Street, Montgomery, Alabama, 36104.	1 2	stay here. But if you don't understand
1 ,	3	my question, please let me know because otherwise I'm going to assume you do
3 appearing on behalf of the Plaintiff.	4	understand it.
5 ALSO PRESENT:	5	A. Okay.
6 John Walker, II	6	_
John Warker, H	7	Q. And if you want to take a break, that's fine with me. I'm not
8 ******	8	here to put you through a marathon or
9	9	anything. I just want to ask you a few
10 I, LESLIE K. HARTSFIELD, a Court	10	questions and hopefully we'll get
11 Reporter of Prattville, Alabama, acting	11	
12 as Commissioner, certify that on this	12	
13 date, as provided by the Federal Rules	13	deposition, you have to speak up because
14 of Civil Procedure and the foregoing	14	
15 stipulation of counsel, there came	15	you and she can see you, the record
16 before me at the offices of Raymond L.	16	won't reflect it. You have to say yes
17 Jackson, Jr., 600 N. College Street,	17	or no. You have to actually verbally
18 Suite D, Auburn, Alabama, 36830,	18	answer my questions, does that make any
19 beginning at 3:40 p.m., RYAN HAMNER,	19	sense?
20 witness in the above cause, for oral	20	A. Okay. Yeah.
21 examination, whereupon, the following	21	Q. Can you state your full name
22 proceedings were had:	22	for the record, please?
23	23	A. David Ryan Hamner.
Page 6		Page 8
1 RYAN HAMNER	1	Q. Can you tell me your current
2 being first, duly sworn, was examined	2	address?
and testified as follows:	3	A. 1612 39th Street, Columbus,
4	4	Georgia, 31904.
5 THE REPORTER: Usual	5	Q. How long have you lived
6 stipulations?	6	there?
7 MR. GILL: Yes.	7	A. Going on two years.
8 MR. JACKSON: Yes.	8	Q. Have you lived in the
9	9	Columbus area for a while now?
10 EXAMINATION BY MR. GILL:	10	A. Yeah, my life, whole life.
Q. Ryan, I know we just met,	11	Q. Your whole life?
12 but my name is Nelson Gill. And let me	12	A. Yes.
13 first ask you have you taken a	13	Q. Never lived anywhere else?
14 deposition have you had your	14	A. (Shook head negatively.)
15 deposition taken before?	15	THE REPORTER: Answer.
16 A. No.	16	A. Yes. No. No. I'm sorry.
17 Q. I'm going to give you just a	17	Never lived anywhere else.
18 general outline of what we're going to	18	
19 do. I'm going to ask you a few	19	(A discussion was held off the
20 questions, series of questions today.	20	record.)
21 And I'm going to try to keep this real	21	
22 short because I know it's late in the	22	Q. (By Mr. Gill) How old are
	23	

2 (Pages 5 to 8)

1				
2 responsible for that growth? 3 A. I don't think we made it to 4 that kind of detail. I mean, he would 5 ask me about my business when I'd see 6 him at the gym, and you know, I'd ask 7 him about his so. 8 Q. At some point in late 2003, 8 did you and Mr. Walker start talking 10 about the possibility of you having a 11 job at U.S. Beverage? 12 A. Of me having a job at U.S. 13 Beverage? 14 Q. Uh-huh (affirmative 15 response). 16 A. No. 17 Q. He never spoke to you about 18 that? 19 A. No. I was never going to 20 have a job at U.S. Beverage. 21 Q. You never wanted a job at 22 U.S. Beverage? 23 A. Never wanted a job at U.S. 4 Beverage? 24 D. You never wanted a job at U.S. 5 Beverage or wanted to be employed by 5 U.S. Beverage 6 Q. You had no interest in 7 having full-time employment where you 8 might get full-time benefits at U.S. 9 Beverage? 10 A. No. 11 Q. No interest at all? 12 A. Oknock head negatively.) 13 Q. So you did not meet with 14 U.S. Beverage? 15 A. No. 17 Q. At no time? 18 A. I met with U.S. Beverage 19 about I gwes our marketing plan, 20 building the website, seeing their 18 facility. 22 Q. Let's talk about that. 22 A. Okay. John and I talked 24 about he knew that I was doing the 25 day-care business selling juice to day 26 cares. And he knew that I was doing the 26 day-care business selling juice to day 26 cares. And he knew that I did a lot of 27 online marketing so I started 28 brainstorming names. This is in short. 29 C. Go ahead. Sorry. Excuse 20 Q. Go ahead. Sorry. Excuse 21 A. He liked the name so I went 21 tiked — 22 Q. Go ahead. Sorry. Excuse 22 Q. Let's try to — I think 24 week. 25 the main names, developed our logo. I 26 the main names, developed our logo. I 27 to even built the website probably within a 28 week. 29 Q. Let's try to — I think 20 week. 21 the main names, developed our logo. I 21 the main names, developed our logo. I 22 to eve right for the main names, developed our logo. I 23 everage or wanted to be employed by 24 the main names and very gount life the main names. This is in		Page 29		Page 31
2 responsible for that growth? 3 A. I don't think we made it to 4 that kind of detail. I mean, he would 5 ask me about my business when I'd see 6 him at the gym, and you know, I'd ask 8 Q. At some point in late 2003, 8 Q. At some point in late 2003, 9 did you and Mr. Walker start talking 10 about the possibility of you having a 11 job at U.S. Beverage? 12 A. Of me having a job at U.S. 13 Beverage? 14 Q. Uh-huh (affirmative 15 response). 16 A. No. 17 Q. He never spoke to you about 18 that? 19 A. No. I was never going to 10 have a job at U.S. Beverage. 20 Lyou never wanted a job at 21 U.S. Beverage? 22 U.S. Beverage? 23 A. Never wanted a job at U.S. 24 Beverage or wanted to be employed by 25 U.S. Beverage 26 Q. You had no interest in 27 having full-time employment where you 28 might get full-time benefits at U.S. 29 Beverage? 10 A. No. 11 Q. No interest at all? 20 A. No. 21 Q. No interest at all? 21 A. Oka to time? 22 A. Okaky. John and I talked 24 odnihe knew that I was doing the 25 day-care business selling juice to day 26 cares. And he knew that I did a lot of 27 online ming and we wanted to start a 28 day-care business selling juice to day 26 cares. And he knew that I did a lot of 27 online thing and we wanted to start a 28 day-care business selling juice to day 26 cares. And he knew that I did a lot of 29 online thing and we wanted to start a 29 day-care business selling juice to day 20 cares. And he knew that I was doyou 20 think about Juice Alive, the name. He 21 liked— 21 Liked— 22 Q. Go ahead. Sorry. Excuse 22 Q. Co ahead. Sorry. Excuse 23 A. He liked the name so I went 24 A. He liked the name so I went 25 with my personal credit card, I bought 26 the main names, developed our logo. I 27 to ever built the website probably within a 28 week. 29 Q. Ver'e kind of maybe we jumped ahead it title or kind of grouped a bunch of 29 think about Juice Alive, that do you 20 think about Juice Alive, that do you 21 the business at list in the promote of the main names. This is in short. 21 Q. Go ahead. Sorry. 22 Q.	1	O. Does Mr. Walker claim he was	1	best of your recollection.
A. I don't think we made it to that kind of detail. I mean, he would ask me about my business when I'd see him at the gym, and you know, I'd ask him about his so. 8 Q. At some point in late 2003, did you and Mr. Walker start talking bout the possibility of you having a 11 job at U.S. Beverage? 12 A. Of me having a job at U.S. 13 Beverage? 14 Q. Uh-huh (affirmative 15 response). 16 A. No. 17 Q. He never spoke to you about 18 that? 19 A. No. I was never going to 20 have a job at U.S. Beverage. 21 Q. You never wanted a job at 22 U.S. Beverage? 23 A. Never wanted a job at U.S. 24 Beverage or wanted to be employed by 25 U.S. Beverage? 26 Q. You had no interest in having full-time employment where you might get full-time benefits at U.S. 9 Beverage? 10 A. No. 11 Q. No interest at all? A. (Shook head negatively.) 3 Q. So you did not meet with 4 U.S. Beverage for the purpose of getting 5 a job at U.S. Beverage? 18 A. No. 19 Q. At no time? A. No. 10 Q. At no time? A. Index with Us as doing the online thing and we wanted to start a donline thing and we wanted to tady cares. And he knew that I was doing the online thing and we wanted to start a donline marketing so I started brainstorming names. This is in short. Called John, I said, hey, what do you thin this about Juice Alive, the name. He 11 liked 12 Q. Go ahead. Sorry. Excuse 18 A. He liked the name so I went with my personal credit card, I bought to the mame had be eveloped our logo. I 17 ever bind for - maybe we jumped ahead:		•	1	
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16 A. No. 17 Q. He never spoke to you about 18 that? 19 A. No. I was never going to have a job at U.S. Beverage. 21 Q. You never wanted a job at 22 U.S. Beverage? 23 A. Never wanted a job at U.S. Page 30 Page 30 Beverage. Now, later I was going to do a website for U.S. Beverage but I was never going to be employed by U.S. Beverage or wanted to be employed by U.S. Beverage or wanted to be employed by U.S. Beverage. Q. You had no interest in having full-time employment where you might get full-time benefits at U.S. Beverage? 10 A. No. 11 Beverage. Now, later I was going to do a website for U.S. Beverage but I was never going to be employed by U.S. Beverage or wanted to be employed by U.S. Beverage. 10 A. No. 11 Q. No interest at all? 12 A. (Shook head negatively.) 13 Q. No interest at all? 14 U.S. Beverage for the purpose of getting a job at U.S. Beverage? 15 A. No. 16 A. No. 17 Q. At no time? 18 the main names, developed our logo. I 17 even built the website probably within a 18 week. 20 Let's try to I think 20 we're kind of maybe we jumped ahead at little or kind of grouped a bunch of 22 things together. Let's go back to the first thing you said about you and John 22 that? 23 Lat's try to I think 24 Week. 25 G. Let's try to I think 26 we're kind of maybe we jumped ahead at little or kind of grouped a bunch of 22 things together. Let's go back to the first thing you said about you and John 26 Cares. Do you remember telling me 28 that? 27 A. I saw him at the gym and I don't know don't know have a month or a day or anything like that. But I 10 just remember we were talking. 18 A. I I don't remember the details of it. I just remember that we were talking like we always did if I saw him in the gym. 19 Q. Would you have approached him about a juice business at this time? 20 A. Well, with my doing the marketing stuff if I could make money 20 doing it, probably.		• `		
17 Q. He never spoke to you about that? 18 that? A. No. I was never going to have a job at U.S. Beverage. Q. You never wanted a job at U.S. Beverage? A. Never wanted a job at U.S. Page 30 Beverage. Now, later I was going to do a website for U.S. Beverage but I was never going to be employed by U.S. Beverage or wanted to be employed by U.S. Beverage. Q. You had no interest in having full-time benefits at U.S. Beverage? A. No. Reverage? A. No. Reverage? A. No. Beverage on wanted to be employed by U.S. Beverage. Q. You had no interest in having full-time benefits at U.S. Beverage? A. No. Reverage? A. No. C. No interest at all? A. (Shook head negatively.) Q. So you did not meet with U.S. Beverage for the purpose of getting a job at U.S. Beverage? A. No. A. No. A. I met with U.S. Beverage a job at U.S. Beverage? A. I met with U.S. Beverage a job at U.S. Beverage? A. I met with U.S. Beverage a job at U.S. Beverage? A. I met with U.S. Beverage a job at U.S. Beverage? A. I met with U.S. Beverage a job at U.S. Beverage? A. I met with U.S. Beverage building the website, seeing their a job uilding the website, seeing their building the website probably within a week. 15 week. 20 we're kind of maybe we jumped ahead of things together. Let's go back to the first thing you said about you and John Page 3 getting together to sell juice to day cares. Do you remember telling me that? A. Uh-huh (affirmative response). Q. When was that? A. I saw him at the gym and I don't know have a month or a day or anything like that. But I just remember we were talking. Q. Did John approach you about this? A. I I don't remember the details of it. I just remember the him in the gym. Q. Would you have approached him about a juice business at this time? A. Well, with my doing the marketing stuff if I could make money doing it, probably.		<u> </u>		
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8 (Pages 29 to 32)

23

Q. Whatever the actual language

Page 51 Page 49 A. Because we were starting the of what he said was, I mean, did you 2 Juice Alive business. understand him to mean let's go forward 3 3 Q. Because you were starting with our business to sell juice? 4 the business? 4 A. Yes. 5 O. Did John ever tell you A. Yeah. 5 6 6 that -- excuse me. Mr. Walker ever tell Q. Did John tell you to come up 7 7 with a name -you that he was an officer and a 8 shareholder of U.S. Beverage and he A. No. 9 9 probably shouldn't be doing this? Q. -- and a logo? 10 MR. JACKSON: Object to 10 A. No. Actually, when we left 11 the gym, I said, well, from -- our next 11 form. Go ahead. 12 step should be to try to come up with a 12 A. No. 13 name so be brainstorming on that. 13 O. Did he ever mention his 14 Q. Did he agree with that? position at U.S. Beverage? 15 A. To brainstorm on a name? 15 A. Probably, but you know. 16 Q. Uh-huh (affirmative 16 Do you have any memory of Q. 17 17 response). that? 18 18 A. I guess I just remember it A. Yeah. I went home and, you 19 know, that was my, I wouldn't say not being an issue because it was 19 20 specialty, but that's what I like to do just -- there'd been so much talk with 21 is come up with names and do graphic everybody about how it was going to 21 design. So I went through a bunch of work, and we were going to market their 22 22 names and started messing with the logo 23 newsletter -- not their newsletter, but Page 52 Page 50 and colors and I called John and I was their letter, their mailers, stuff like excited about the name Juice Alive. And 2 that. So it was just -- plus, I was --3 he asked his wife about it I believe and 3 I don't know how this plays in but I spent a lot of my money too coming up -said let's do it, blah, blah, blah. And 5 getting into this company, help start so I don't know if it was that day or 5 was -- it was really soon. I know that 6 this company. 7 7 I registered the Juice Alive. I think Q. When you say they, are you saving U.S. Beverage? it was dot net at that time. And then I 8 9 created the logo, the website. 9 A. I'm saying U.S. Beverage, me, John, we all had an understanding of 10 Q. You just said you called up 10 11 John and your words were he said let's 11 how it was going to work. 12 do it? 12 Q. What was that understanding 13 13 in your mind? A. Not --14 14 A. In my mind, they were going Q. I mean, okay. Was that not 15 to use -- we were going to market the 15 literal? 16 juice for them. That's where the 16 A. Not literal. I'll just say website came into play. Eventually they 17 this: When I called up John, he liked 17 the name Juice Alive. He agreed it was wanted me to build a website for them. 18 18 19 a good name. So that's when I said all 19 We were going to market the juice and 20 right and I went forward with it, which 20 juice that came from whatever specific 21 when I say forward, I mean finishing the 21 states that we had in this document they 22 logo, registering the main name. would be U.S. Beverage's clients. And

13 (Pages 49 to 52)

the others, whatever states we had

23

Page 55 Page 53 Q. We've been talking about a specified would be ours. And then I remember we had some kind of deal mailer. Does this look like the mailer with -- setup with -- I don't know how 3 3 that you were talking about? this worked, but for every case they A. Yeah. I probably had a couple mock-ups that I did. 5 sold or every bottle they sold with our 5 6 label on it we made -- they paid us so Q. Does this look like the one 6 7 much or something like that. 7 vou sent out? 8 Was that at some point 8 A. This is definitely one of Q. 9 9 the mock-ups. If it's the exact one I later? 10 sent out, I don't -- yeah, it looks like A. No. This was -- this was 10 before we -- this was going into the two 11 it. Just roughly it looks like it. On 11 the back of theirs, they had something 12 mailers as I recall. 12 13 Q. So you're saying you charged 13 different so I know that. them a fee at the beginning for --1414 O. The actual card exists 15 A. We charged them a fee? 15 somewhere, but I don't have it with me. 16 Q. Uh-huh (affirmative 16 But we'll move on from there. Will you -- do you agree with me that the 17 response). Or did you not charge them a card says U.S. Beverage presents Juice fee? 18 18 19 A. No. No. I developed their 19 Alive? 20 mailers and I think they paid for their 20 A. Yeah, I see that. postage or however that went. I don't 21 O. Will you look at the top and know. No, I did not charge them a fee tell me what the date is. 22 22 23 for their mailer. 23 9/27/04. A. Page 56 Page 54 1 Q. So you were essentially 1 Q. When do you think that you 2 doing this for them -started a trademark application for 2 3 3 MR. JACKSON: Object to Juice Alive? 4 form. Go ahead. 4 A. I didn't handle any of that 5 Q. - the mailer? 5 SO. 6 6 A. Doing this for them? Who handled it? O. 7 7 Q. The mailer. That was -- that was John. Α. Q. John handled all of it? 8 A. I don't know if it was part 8 9 of some, you know, there's more to the 9 A. John handled all of it. I 10 agreement, but yeah, I did them a did the graphic design. I did the 10 11 mailer. websites. I did, you know, some other 11 12 With Juice Alive on it? 12 things but that wasn't me. Q. 13 A. Yes. 13 Q. I'm going to mark this as Q. Well, I think this may have Plaintiff's 2. 14 14 been marked in another deposition but 15 15 I'm not as organized as you, Raymond. 16 (Plaintiff's Exhibit No. 2 was I'm just going to mark this as 17 marked for identification.) Plaintiff's 1 for the deposition of Ryan 18 18 19 Hamner. 19 Q. Does Plaintiff's 2 look 20 20 familiar to you? 21 (Plaintiff's Exhibit No. 1 was 21 A. Yeah. 22 22 Q. Is that a drawing that you marked for identification.) 23 23 did for the trademark application?

14 (Pages 53 to 56)

Г	Page 61	Τ	Page 63
1	with	1	A. That I was pretty sure?
2	A. Yeah.	2	Q. Yeah.
3	Q 132 on the front and 133	3	A. I just I can't recall. I
4	on the back?	4	just it seems like there was
5	A. Like this right here	5	something. Here's the thing, I did so
6	(indicated).	6	many proofs of mailers, you know, I
1 7	Q. Do you agree with me	7	mean, what you see here is just one.
8	A. Yes.	8	But I worked so many different ones, I
9	Q that that's probably the	9	mean, I don't my brain is just
10		10	jogged. I mean, I can't
111	•	11	Q. Well, would any prior mailer
12		12	had been for U.S. Beverage?
13	<u> </u>	13	A. No, definitely not.
14		14	Q. Who would it have been
15		15	for?
16	Q. You would think it was	16	A. Trident Marketing.
17	-	17	Q. So just for the company
18	A. (Nodded head affirmatively.)	18	itself, for Trident?
19		19	A. (Nodded head affirmatively.)
20	apologize. I start talking let's	20	Q. And who would you have sent
21	take one minute. Actually, there's a	21	it to?
22	question pending. Let me finish. When	22	A. Day cares.
23	do you believe a mailer was first sent	23	Q. Where?
	Page 62		Page 64
1	out if this was not the first one?	1	A. I have no idea. I didn't
2	A. I have no idea. I just	2	I didn't handle buying the mailing list.
3	really	3	I, of course, paid for it, for half of
4	Q. You just generally believe	4	it.
5	there was another one prior to 9/27?	5	Q. So John handled
6	A. I pretty much know. It	6	Mr. Walker handled the mailing list?
7	seems like we did a mailer earlier just	7	A. Yeah.
8	us because I remember some money coming	8	Q. Do you know where he'd
9	off my credit card and then I don't	9	gotten the mailing list from?
10	remember why we did a second one. But I	10	A. Seems like it was I don't
11	remember we did a second one and this is	11	know. They're pretty well known. U.S.
12	the one where we did one and then U.S.	12	something. I can't remember the name.
13	Beverage did one.	13	It's just pretty general. You could go
14	MR. GILL: Let's stop for	14	pick a topic, or you know, demographics,
15	one minute.	15	select your list.
16		16	Q. Would some of it have been
17	(A brief recess was taken.)	17	from his work at U.S. Beverage?
18		18	A. I don't think so. No.
19	Q. (By Mr. Gill) We were just	19	Would some of the customers?
20	talking about your opinion that you were	20	Q. Uh-huh (affirmative
21	pretty sure that another mailer had been	21	response).
22	put out before this 9/27/04 U.S.	22	A. No. No.
23	Beverage mailer.	23	Q. How do you know that?

16 (Pages 61 to 64)

Page 95 Page 93 what's your distinction, what does to start with, then you registered dot 2 slushy mean to up? 2 com after that. 3 A. Well, I mean, slushy was --3 A. So yeah there was a dot net it would be -- the slushy would be in 4 4 so it'll give you two different dates 5 bars or to be in convenience stores. 5 for -- because they're registered Juice Alive, we weren't going to market 6 individually. 7 7 it to bars or convenience stores. It's MR. GILL: I'll review the 8 documents, but if I have further strictly for little kids. That's why we 8 9 had kids on the website. Our phrase 9 request, I -was, What are your kids drinking, that's 10 10 MR. JACKSON: Let me know if 11 what was on the mailer. It was day-care you don't have it. 11 12 juice. 12 MR. GILL: I will. 13 Q. But slush is juice, is it 13 You told me earlier that 14 not? It's juice. Maybe it's in a 14 John did everything with the trademark; 15 different form in terms of maybe it's 15 is that right? 16 frozen, maybe it's not, but it's still 16 A. Yeah. The paperwork, 17 juice, isn't it? 17 sending it off, stuff like that. A. Yeah. I mean, it's just 18 18 Q. (By Mr. Gill) Whose idea 19 different markets. 19 was it to trademark it? 20 Q. But it's still juice that 20 A. I had asked him about things 21 would have come from Supreme like that, but I didn't know much about 21 22 Manufacturing; right? 22 them. But it was kind of both of 23 A. Yeah. 23 ours. Page 96 Page 94 Q. This website that you 1 Q. Did you have any discussions started, would there be some record of 2 with U.S. Beverage about anything 3 you starting it, I mean, in terms a 3 regarding the trademark, you payment or a record of when it first 4 personally? 5 existed? 5 A. I don't think I personally 6 A. Juice Alive dot net, you 6 did, no. 7 should have that in our history. I 7 Q. Do you think John did, might actually have an e-mail receipt. 8 Mr. Walker? I sent all the receipts to John so John 9 A. Yes. would probably have that. Yeah, that 10 What do you think that Q. 11 was way back there, so yeah there would 11 was? 12 be a record of that. 12 What do I think that was? A. 13 MR. JACKSON: I think we 13 Uh-huh (affirmative Q. produced to you the main name 14 response). Sorry. 15 registration, would have a date when it 15 A. I think that in -- like I 16 was registered. I don't want to go back said, this goes back to the document or 16 17 through what we produced to -documents where we just kind of laid it 17 18 MR. GILL: I apologize. I 18 out that Juice Alive was going to be 19 don't have everything. 19 owned by Trident Marketing and they were 20 A. The tricky thing is the 20 basically going to pay us per case or 21 original name was -- was that always in 21 per bottle, whatever, of every juice 22 our name, Juice Alive dot com? bottle that they sold that had the Juice 23 MR. WALKER: It was dot net 23 Alive label on it.

24 (Pages 93 to 96)

	Page 109		Page 111
	welcomed to read any other portion of	1	him with this trademark; correct?
		2	MR. JACKSON: Object to
	and the second s	3	form.
1	8	4	A. Got me to help
5		5	Q. Uh-huh (affirmative
6		6	response).
7		7	A you mean with creating
8	A. No, I don't think they were	8	this?
9	-	9	Q. Yeah.
10		10	A. Yeah, I created the Juice
1:	to Trident Marketing to do send out	11	Alive logo.
12	their mailer. They're looking to us to	12	Q. With John Walker?
13		13	A. With John Walker. I mean, I
14	2. 15 that Jour name on the	14	did the whole he l came up
15		15	with the name and did this all on my
16		16	computer. I designed it.
17	1 5	17	Q. I understand that you might
18	E Project Marie Cherry	18	have physically done it.
119	, - B	19	A. Okay. Yeah.
20	C = T J T II T I I I I I I I I I I I I I I	20	Q. But with John Walker?
21		21	A. With John Walker.
22		22	MR. JACKSON: Object to
23	my money to create this logo and gone	23	form. Go ahead.
	Page 110		Page 112
1	through all this stuff without getting	1	MR. GILL: You going to have
2	some kind of reimbursement from U.S.	2	a bunch of questions?
3	Beverage if it was their label.	3	MR. JACKSON: No.
4	Q. John didn't tell you	4	MR. GILL: I assume I've
5	anything about what he was doing at U.S.	5	overlooked something, the late
6	Beverage, did he?	6	afternoon, but thank you for coming.
7	MR. JACKSON: Object to the	7	That's it for right now. Mr. Jackson
8	form.	8	may have some questions.
9	Q. You stated he didn't tell	9	MR. JACKSON: I don't have
10	you anything but	10	any questions.
11	A. I didn't say he did not tell	11	
12	me anything. I said through talking	12	
13 14	with John that I basically understood what he did.	13	
15		14	ELIDTHED DEDONIENT CAITH NOT
16	Q. Which you told me earlier	15 16	FURTHER DEPONENT SAITH NOT
17	was just nothing more than selling slushy is what you said to me earlier?	17	
18	A. Selling slush, slush	18	
19	machines.	19	
20	Q. Did he tell you anything	20	
21	further than that, did he?	21	1
22	A. Not that I'm aware of, no.	22	
23	Q. But yet he got you to help	23	
	6. Day let me got long to neth	2)	

28 (Pages 109 to 112)